Division Bench

IN THE HON'BLE HIGH COURT OF CHHTTISGARH AT BILASPUR C.G.

M.A. (C) NO. 870 /2007

APPELLANTS
APPLICANTS

1. Smt. Manjulata
W/o. Late Rajesh Sinh
Age- 26 years

2. Akash
S/o Rajesh Sinh
Age 5 years

3. Ashish
S/o Rajesh Sinh
Age- 3 years
Minor 2 & 3 through legal guardian Smt. Manjulata

4. Smt. Vimala Devi
W/o Dhananjay Sinh Thakur
All R/o Kandarka, P.S. Kumhari,
Tah. Dhamdha, Distt. Durg (C.G.)

VERSUS

RESPONDENTS:
NON-APPLICANTS

1. Naresh Nisad
S/o Dashrath Nishad
R/o Gram- Gabda, P.S. Barela
Distt. Durg (Driver)

2. Dhananjay Sinh Thakur
S/o Mannulal
R/o Gram- Kandarka, P.S. Kumhari, Distt. Durg C.G.
(Owner)

3. Zonel Manager,
United India Insurance Co. Ltd.
Paras Complex, Near Gurudwara,
Station Road, Durg, Distt. Durg, C.G.
(Insurance Co.)

R.R. No. 1893/07
Presented by Shri Raj Kumar Gupta
Dated 24/10/07

APPEAL U/S 173 OF THE MOTOR VEHICLE ACT 1988

AWARDED AMOUNT Rs/- 4,28,976=00
CLAIMED AMOUNT Rs/- 24,00,000=00

VALUATION OF CLAIM AMOUNT Rs/- 24,00,000=00

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(15)

मामला क्रमांक M.A.C. 870 / सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

D.B-: HON'BLE SHRI L.C. BHADOO, J. &

HON'BLE SHRI SUNIL KUMAR SINHA, J.

31.07.2007

Shri Rajkumar Gupta, counsel for the appellants.

Shri Pankaj Agrawal, Advocate, is directed to take notice on behalf of respondent no.3/Insurance Company. Copy of memo of this appeal served upon him.

Learned counsel for the appellants submits that the only point involved in this appeal is that the multiplier of 16 has been applied instead of 17. As the limited question is involved in this appeal, therefore, learned counsel for the parties prayed for final disposal.

Heard.

This appeal has been preferred u/s 173 of the Motor Vehicles Act 1988 being aggrieved by the Award dated 26.3.2007 passed by the Second Addl. Motor Accidents Claims Tribunal, Durg, in Claim Case No.43/2006 whereby the learned Tribunal applying the multiplier of 16 and assessing the annual dependency to be Rs.24,939/-, granted compensation of Rs.4,08,976/-. In addition to that, Rs.10000/- towards funeral expenses and Rs.10,000/- as loss of consortium have been awarded. Thus a total award of Rs.4,28,976/- has been passed by the Tribunal.

We have heard learned counsel for the parties.

Admittedly, the age of the deceased Rajesh Singh was 35 years at the time of accident; therefore, the multiplier of 17 ought to have been applied instead of 16. As such, the claimants are entitled for

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(16)

मामला क्रमांक M.A.(C) No. 870 **सन् 2007**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

enhancement to the tune of Rs.24,939/- in addition to the amount already awarded against the dependency. It is argued that appellant no.4 Smt. Vimla Devi, mother of the deceased, has not been awarded any amount. Therefore, in addition to the enhanced amount of Rs.24,939/-, Rs.10000/- is granted towards love and affection of the mother Smt. Vimla Devi. Thus the total enhanced amount comes to Rs.34,939/-.

In the result, the appeal is partly allowed and the compensation amount is being enhanced by Rs.34,939/- in addition to Rs. 4,28,976/- which has already been awarded by the Tribunal. The respondent no.3 is directed to pay the compensation of Rs.4,63,915/-. The claimants shall also be entitled for interest thereon @ 6% per annum from the date of application, as awarded by the claims Tribunal.

Cc as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Sd/-
L.C. Bhadoo
Judge

Rao

GRPRJ — FS/246— 2/2007 — 50,000.